IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 312 OF 2004

Parshuram Vishnu Rane. ...Petitioner (Orig.Defendant)

V/s.

Balkrishna Gangaram Rane. ...Respondent (Orig.Plaintiff)

Mr.Satish Musale i/b. Mr.S.P. Thorat for Petitioner.
Mr.S.M. Railkar for Respondent.

CORAM : D.B. BHOSALE, J.

DATED : NOVEMBER 30, 2005

P.C. :-

. Heard the learned Counsel for the parties.

. This petition is directed against the Judgment and Order dated 22nd November, 2003 rendered by the Additional District Judge, Sindhudurg in Misc.Civil Appeal No.49/2002 allowing the said appeal and setting aside the Judgment and order dated 15th April, 2002 passed by the trial Court below Exhibit 5 in Regular Civil Suit No.75/2001 by which the trial Court had rejected the Exhibit 5-Application.

2. The factum of possession is in dispute. Both

claim possession over the suit property. The petitioner claims possession contending that he was in joint possession with one Namdev Rane whereas the respondent claims that he was put in possession by Namdev Rane by executing the sale deed. This Court by order dated 20th February, 2004 directed the parties to maintain status quo. None of the parties made any grievance of breach of the said order nor has either filed application vacating the order of status quo or for modification thereof. Looking to the nature of controversy and considering that the Regular Civil Suit and RTS proceedings before the Revenue Authorities are pending and further considering that this Court on 20th February 2004 directed the parties to maintain status quo, in my opinion, merits of the case need not be examined at this stage and the interest of justice would be served if the trial court is directed to dispose of the suit within time frame by keeping the order of status quo operative till the disposal of the suit. Hence, the following order :-

(a). The trial Court shall decide the Regular

Civil Suit No.75/2001, as expeditiously as possible and preferably within a period of nine months from the date of receipt of this Order. Pending the hearing and final disposal of the suit, the order of status quo to remain operative.

(b). The Trial Court shall decide the suit on merits in accordance with law and uninfluenced by the observations made in the orders passed by the Court below in the proceedings arising from Exhibit 5-Application. While directing the parties to maintain status quo, I shall not be understood to have examined the merits of the case.

. Writ Petition is disposed of accordingly.

(D.B. BHOSALE, J.)